

THE ISLAMIC GOVERNANCE LAW ON ENVIRONMENTAL CONSERVATION IN SINJAI REGENCY

Bismar Junaid^{1*}, Ahkam Jayadi², Fadli Andi Natsif³, Prasad Singh⁴, Hamsir⁵

^{1,2,3,5}Alauddin State Islamic University Makassar, Indonesia

⁵Mumbai University, India

*Correspondent Email: ismarkadaw@gmail.com

Abstract

This study aims to assess the preservation of the environment in Sinjai Regency in the perspective of Islamic Constitutional Law (siyasah syariah). The focus of the study includes: 1) the role of local governments in maintaining environmental conservation, 2) factors that influence its implementation, and 3) Environmental Conservation Review according to Islamic law. This study uses a qualitative descriptive approach with formal juridical methods and normative Syar'i based on the Qur'an. Data collection techniques include observation, interview, and documentation, analyzed through classification, verification, and conclusion. The results showed that the Local Government, through the Department of Environment, has implemented various environmental conservation programs. The supporting factor is competent human resources, while the obstacle is the lack of budget. In addition, the lack of involvement of public and religious figures in socialization causes environmental jurisprudence to be neglected, despite its importance in the face of the current ecological crisis.

Keywords: Conservation; Environment; Islamic governance.

Abstrak

Penelitian ini bertujuan mengkaji pelestarian lingkungan hidup di Kabupaten Sinjai dalam perspektif Hukum Tata Negara Islam (siyasah syariah). Fokus penelitian meliputi: 1) Peran Pemerintah Daerah dalam menjaga pelestarian lingkungan, 2) Faktor-faktor yang memengaruhi pelaksanaannya, dan 3) Tinjauan pelestarian lingkungan menurut hukum Islam. Penelitian ini menggunakan pendekatan deskriptif kualitatif dengan metode yuridis formal dan normatif syar'i berdasarkan Al-Qur'an. Teknik pengumpulan data meliputi observasi, wawancara, dan dokumentasi, dianalisis melalui klasifikasi, verifikasi, dan kesimpulan. Hasil penelitian menunjukkan bahwa Pemerintah Daerah, melalui Dinas Lingkungan Hidup, telah melaksanakan berbagai program pelestarian lingkungan. Faktor pendukungnya adalah sumber daya manusia yang kompeten, sedangkan kendalanya berupa minimnya anggaran. Selain itu, kurangnya keterlibatan tokoh masyarakat dan agama dalam sosialisasi menyebabkan fikih lingkungan terabaikan, meskipun penting dalam menghadapi krisis ekologi saat ini.

Kata Kunci: Pelestarian; Lingkungan Hidup; Tatanegara Islam

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INTRODUCTION

Preservation of the environment is everything that affects the survival of all living things because life on Earth will take place naturally if the physical environment is maintained balance. Preserving the environment is a necessity that can not be delayed so that it requires management which is a shared responsibility both individually and from the government. Each individual must make efforts to save the environment in accordance with their respective capacities, so as to realize the benefits for survival.

As a good individual, has a high concern for the preservation of the environment by making various efforts related to the preservation of the environment in the form of preservation of soil, air, and water. The environment is all objects and conditions, including humans and their behavior, contained in the space where humans are that affect survival.¹ The environment is divided into two forms, namely the natural environment and the artificial environment, where at this time the balance between the two environments is disturbed or often we call it an environmental crisis.

Humans are basically caliphs who should have the quality of being obliged to maintain and preserve what has been created so that, as humans who are obliged to maintain and preserve, they should never do counterproductive by polluting, damaging and exploiting excessively or israf and this is part of the purpose of Islamic Constitutional Law. It is simply stated that what is meant by the environment is a living system in which there is human intervention in the ecosystem. Then in more detail about the environment mentioned that “the environment is the unity of space with all objects, forces, circumstances, and living things, including humans and their behavior, which affects the continuity of life and well-being of humans and living things”.

When environmental pollution occurs, the quality of the environment will decrease like the quality of the environment itself. Pollution and destruction of the environment takes place everywhere at a rapid rate as part of the degradation of the various parties that require joint efforts in the management of Environmental Conservation. The emergence of environmental problems resulting in low environmental quality so that the purpose of the protection and management of the environment so that there is relevance between human relationships with the environment and vice versa.

The body of the 1945 Constitution after the amendment, the enforcement of environmental laws was placed in articles relating to Human Rights. As stated in Article 28h paragraph 1 of the 1945 Fourth Amendment law states that “everyone has the right to a healthy living environment”.² Law No. 32 of 2009 on the protection and management of the environment has a firm principle in order to maintain the environment properly and comply with established regulations, for the realization of order and a sustainable environment.

Principles and objectives of Environmental Protection and Management in Indonesia the law, which is a public policy tool, generally contains the principles and objectives of public policy itself. Law 32/2009 is a legal instrument for public or government policies in the protection and management of the environment. If the law 4/1982 and law 23/1997 also contain targets in addition to the principles and objectives of Environmental Management. Environmental Protection and management as an effort

¹Abdulrahman, *Pengantar Hukum Lingkungan Indonesia* (Bandung, 1986), h. 67.

²UU 1945 pasal 28H ayat 1 amandemen ke IV

made to preserve environmental management to prevent pollution or environmental damage by efforts including planning, utilization, control, and maintenance. As the management of Environmental Conservation.

There are several factors in the management of Environmental Conservation in Sinjai Regency in terms of local regulations in the form of inhibiting factors and supporting factors. in the form of defensive incompatibility between development and environmental conservation resulting in ineffective management of Environmental Conservation.³ Management of Environmental Conservation that is less effective will bring a very big impact in terms of Islamic Constitutional Law is part of the non-realization of the purpose of human creation on Earth.

Humans are basically caliphs who should have the quality of being obliged to maintain and preserve what has been created so that, as humans who are obliged to maintain and preserve, they should never do counterproductive by polluting, damaging and exploiting excessively or israf and this is part of the purpose of Islamic Constitutional Law.

Islamic constitutional law is obliged to encourage people to Green the environment which will be seen as good deeds for the realization of the balance of nature that will bring benefits to life. If the principle is always instilled in every individual then a fair attitude in the context of environmental balance by not underestimating the things that tend to damage and deviate and cross the limits of fairness then the environmental problems that will lead to environmental destruction can be prevented or preventive measures can be realized.

METHOD

This study is a descriptive qualitative research field (field research). Researchers chose Sinjai Regency as a research site. The approach to the problem in this author is a formal juridical and empirical juridical approach. In this study using primary data collection techniques with interviews or interviews directly to the parties concerned. As well as for secondary data collection methods in the form of data collection such as readings, documents, and books. After the data are arranged in groups and the relationship that occurs then analyzed and made an interpretation of the phenomenon by comparing other phenomena. Data analysis is done by organizing data, describing units, synthesizing, arranging into patterns, choosing what is important, making conclusions. This analysis seeks to collect and compile data, then analyze the data.⁴ The analysis used is content analysis, where data is analyzed according to its content

RESULT AND DISCUSSION

1. The Role of Local Government in Preserving The Environment in Kabuapten Sinjai

The environmental issue is to talk about survival (human and natural). Preserving the environment is as meaningful as ensuring the survival of humans and everything in nature and its surroundings. Environmental conservation is a systematic and integrated effort that must be carried out

³Jur. Andi Hamzah, *Penegakan Hukum Lingkungan (Jakarta: Sinar Grafika, 2008)*, h. 51.

⁴Winarno Surachman, *Pengantar Penelitian Ilmiah: Dasar, Metode, dan Teknik* (Bandung: Tarsito, 1989), h. 139.

to preserve the function of the environment and prevent pollution and environmental damage such as planning, utilization, control, maintenance, supervision, and law enforcement.

In the meaning of Islamic law, there are a group of people who understand the impact of jurisprudence only to the extent of mahdloh worship such as prayer, fasting, zakat, and Hajj. As a result, jurisprudence related to social phenoeman, such as environmental jurisprudence is still neglected. Whereas in the context of the current ecological crisis, environmental jurisprudence becomes very urgent. Through environmental jurisprudence, it is necessary to instill in the community a belief that throwing a piece of garbage into its place or removing a thorn from the street is worship. According to local law No. 6 of 2015 Articles 5 and 6 on the duties and authorities of local governments regarding the protection and management of the environment in Sinjai Regency.

In the protection and management of the environment, local governments in charge:

- a. Establish a PPLHD policy
- b. Setting up the MOE
- c. Rpplh
- d. Establish the type of business and / or mandatory activities of UKL-UPL
- e. Conducting inventory of Natural Resources and GHG emissions
- f. Developing cooperation and partnership
- g. Developing environmental economic instruments
- h. To guide the compliance of the person in charge of the business and / or activities with the environmental licensing provisions and laws and regulations;
- i. Implement minimum service standards
- j. Establish policies and provide guidance on procedures for recognizing the existence of indigenous peoples, local wisdom and rights of indigenous peoples related to environmental protection and management
- k. Manage, develop and implement environmental information systems policy
- l. Provide facilitation of Environmental Protection and management infrastructure to micro and/or small scale business groups
- m. Provide education, training, coaching and awards
- n. Provide environmental permits and
- o. Conduct environmental law enforcement.

In Environmental Protection and management, local government authorities;

- 1) Facilitate settlement of environmental disputes
- 2) Issuing environmental permits
- 3) Issuing pplhd licenses
- 4) To supervise the compliance of the person responsible for the business and / or activities
- 5) Establish quality standards for water, wastewater, ambient air, mobile and non-mobile source emissions and soil
- 6) Conduct quality testing of water, ambient air, mobile and non-mobile source emissions and soil
- 7) Establish standard technical criteria for forest fire damage
- 8) Provide administrative sanctions
- 9) Organizing education and training
- 10) Awards

- 11) Provide laboratory environment
- 12) Lifting pplhd and ppns lh
- 13) Establish eia assessment commission, eia assessment commission secretariat, technical team and independent experts and
- 14) Other authority established by the provisions of legislation.

In the protection and management of the environment, local governments in charge:

- a) Establish a PPLHD policy
- b) Setting up the MOE
- c) Rpplh
- d) Establish the type of business and / or mandatory activities of UKL-UPL
- e) Conducting inventory of Natural Resources and GHG emissions
- f) Developing cooperation and partnership
- g) Developing environmental economic instruments
- h) To guide the compliance of the person in charge of the business and / or activities with the environmental licensing provisions and laws and regulations;
- i) Implement minimum service standards
- j) Establish policies and conduct guidance on procedures for the recognition of the existence of indigenous peoples, local wisdom and the rights of indigenous peoples related to the protection and management of the environment
- k) Manage, develop and implement Environmental Information System policies
- l) Provide facilitation of Environmental Protection and management infrastructure to micro and/or small scale business groups
- m) Provide education, training, coaching and awards
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n) Other authority established by the provisions of legislation.⁵

Environmental pollution is the entry of living things, energy substances, and / or other components into the environment, or changes in the order of the environment by human activities or by natural processes so that the quality of the environment drops to a certain level that causes the environment to be less or can no longer function in accordance with its designation. Humans become one of the determining factors in efforts to preserve the environment, as well as having a role and responsibility to empower environmental resources for the survival of ecosystems. In the reality of a great desire to meet the satisfaction of life, it is often the trigger for humans to master nature which tends to cause damage due to the attitude of giving importance to one's own needs without regard to survival.

From the interview with Mr. Ir. Evi Kasim Noor SE, S.Hut, MM, MBA. as head of Pollution Control and environmental damage Department of Environment Sinjai Regency:

Environmental pollution has been caused by human activities and natural factors themselves. So far the role of the government of Sinjai Regency in this case the Department of Environment and Forestry has made awareness of the community through important socialization to preserve the environment. Socialization on waste management, preservation of trees and urban forests, household waste management.⁶

Low human awareness to maintain influenced by two factors, namely internal and external factors. Internal factors are influenced by the low level of human consciousness in caring for the environment. While external factors are government interference in providing signs in the form of effective and binding legal rules. From the interview with Mr. Ir. Evi Kasim Noor SE, S.Hut, MM, MBA. as head of Pollution Control and environmental damage Department of Environment Sinjai Regency:

So far there has been a team or task force in charge of supervising and reprimanding industries that have the potential to damage the environment due to waste produced by these industries and in the regulation there are sanctions in the form of revocation of business licenses and fines for business owners and community members who have been proven to damage and pollute the environment.⁷

Preserving the environment today, becomes a big capital for the continuity of life of all living communities which is not only beneficial for the current generation, but also for the next generation. Building awareness to love the environment can be done by following the flow of awareness, done by increasing understanding of the importance of preserving the environment along with the study of real experiences both positive and negative will affect the development of one's internal potential strength, thus giving birth to a humanist attitude and behavior as desired. From the

⁵Peraturan Daerah Nomor 6 Tahun 2015 Tentang Perlindungan dan pengelolaan Lingkungan Hidup Pasal 5 dan Pasal 6.

⁶Evi Kasim Noor, Kepala Bidang Pengendalian Pencemaran dan Kerusakan Lingkungan , *Wawancara*, Kantor Dinas Lingkungan Hidup dan Kehutanan, 26 April 2019.

⁷Evi Kasim Noor, Kepala Bidang Pengendalian Pencemaran dan Kerusakan Lingkungan, *Wawancara*, Kantor Dinas Lingkungan Hidup dan Kehutanan.

interview with Mr. Ir. Evi Kasim Noor SE, S.Hut, MM, MBA. as head of Pollution Control and environmental damage Department of Environment Sinjai Regency:

That the Department of Environment and Forestry of Sinjai Regency has carried out various work programs related to environmental conservation, namely the government, in this case the Department of Environment and Forestry has created waste banks, biopores (water absorption), and tree planting in urban and coastal areas, and consulted with related agencies in planning and making irrigation canals in Sinjai Regency.⁸

From the results of interviews with informants about the role of local governments in preserving the environment in Sinjai Regency, the researchers concluded that so far the government has made various efforts in preserving the environment as well as socializing and awareness to the public the importance of preserving the environment, making various programs that do reforestation and planting in urban and coastal, and give a reprimand even sanctions that have been regulated in local regulations Sinjai.

2. *Factors Affecting The Implementation of Environmental Conservation in Sinjai Regency*

Environmental management is not solely the responsibility of the government. The private sector and the community are also very important in implementing environmental management policies. Everyone has the right and obligation to participate in the framework of environmental management, so that the preservation of environmental functions can be achieved. Preservation of environmental functions is a series of efforts to maintain the continuity of the carrying capacity and capacity of the environment. Carrying capacity is the ability of the environment to support human life and other living things, while the capacity of the environment is the ability of the environment to absorb substances, energy, and/or other components that enter or are incorporated into it.

Environmental protection efforts are carried out based on Environmental Quality Standards, both in the form of environmental quality criteria (ambient) and the quality of waste or waste (effluent). Environmental Quality Standard is a measure of the limits or levels of living things, substances, energy, or components that exist or must exist and/or pollutant elements that are supported by their existence in a particular resource as an element of the environment. Quality standards as a benchmark to determine whether the environment has been damaged or whether an activity has damaged the environment needs to be implemented and referred to in national development activities. Environmental Quality Standards can be different for each region or different times given the differences in environmental conditions, spatial and technological.

In order to manage the environment properly and correctly, it is necessary to know the environmental problems that must be handled or managed in ways that are in accordance with these environmental problems. From the interview with Mr. Ir. Evi Kasim Noor SE, S.Hut, MM, MBA. as head of Pollution Control and environmental damage Department of Environment Sinjai Regency:

In the implementation of Environmental Conservation in Sinjai Regency, there are factors that support the implementation, namely the government has paid special attention in this case the executive and legislature have made local regulations related to the environment, human resources in the Sinjai

⁸Evi Kasim Noor, Kepala Bidang Pengendalian Pencemaran dan Kerusakan Lingkungan, *Wawancara*, Kantor Dinas Lingkungan Hidup dan Kehutanan.

Environment Office are qualified in implementing programs related to environmental sustainability in Sinjai Regency, and there are elements of the community or community groups who are aware and carry out mutual assistance in clean actions or social services.⁹

In the implementation of Environmental Conservation in Sinjai Regency, the local government, in this case the relevant agencies experienced obstacles in implementing programs related to environmental conservation, in line with what was conveyed by Mr. Ir. Evi Kasim Noor SE, S.Hut, MM, MBA. As head of pollution control and environmental damage Department of Environment Sinjai Regency:

So far, the Department of environment in the management of Environmental Conservation in implementing programs has experienced obstacles such as a minimal budget from the government, this has an impact on the procurement of garbage transportation fleets, garbage shelters and sustainable socialization. Coordination between institutions is still lacking, which affects the synchronization and integration of planning, preparation of programs and activities, as well as the evaluation and monitoring of environmental development both by the government, the business world and society thus causing a clash of interests and overlapping utilization of Natural Resources. Lack of infrastructure such as reference laboratories to be used as a reference for the sector, regions and communities in the control of pollution and environmental damage, so the need for cooperation between the government and NGOs and universities (Center for Environmental Studies and Center for Population Studies).¹⁰

From the results of interviews with informants about the factors that affect the implementation of Environmental Conservation in Sinjai Regency, researchers concluded that there are two factors in the implementation of Environmental Conservation in Sinjai Regency. The first is the supporting factor, namely the government has given special attention in this case the executive and the Legislature have made local regulations on environmental conservation, human resources in the Department of Environment already have to implement government programs regarding environmental conservation in Sinjai Regency, and there are already elements of society or community groups who have awareness of the importance of maintaining environmental preservation and performing clean actions or social services.

The second factor is the factor that hinders the implementation of Environmental Conservation in Sinjai in the opinion of the head of pollution control and environmental damage is a minimal budget this has an impact on the number of waste transportation fleets, garbage bins and sustainable socialization. Coordination between institutions is still lacking, which affects the synchronization and integration of planning, preparation of programs and activities, as well as the evaluation and monitoring of environmental development by the government, the business world and the community, causing conflicts of interest and overlapping utilization of Natural Resources. Lack of infrastructure such as reference laboratories to serve as a reference for the local sector and the community in the control of

⁹Evi Kasim Noor, Kepala Bidang Pengendalian Pencemaran dan Kerusakan Lingkungan, *Wawancara*, Kantor Dinas Lingkungan Hidup dan Kehutanan.

¹⁰Evi Kasim Noor, Kepala Bidang Pengendalian Pencemaran dan Kerusakan Lingkungan, *Wawancara*, Kantor Dinas Lingkungan Hidup dan Kehutanan.

pollution and environmental damage, so the need for cooperation between the government and NGOs and universities (Center for Environmental Studies and Center for Population Studies).

CONCLUSION

Based on the results of research and discussion of the previous chapter, it can be concluded as follows : the Department of Environment and Forestry of Sinjai Regency has carried out various work programs related to environmental conservation, namely the government, in this case the Department of Environment and Forestry has made waste banks, biopores (water absorption), and tree planting in urban and coastal areas, and consulted with related agencies in planning and making irrigation canals in Sinjai Regency.

Factors that support the implementation of Environmental Conservation in Sinjai regency by maximizing human resources in the Sinjai Environment Office and are qualified in implementing programs related to environmental sustainability in Sinjai Regency. Supporting factors of the community or community groups who are aware and do mutual assistance in clean action or social service. The factors that hinder the implementation of Environmental Conservation in Sinjai Regency are the minimal budget that affects the number of waste carrier fleets, the lack of garbage bins provided in the community, and hindering sustainable socialization. the lack of coordination among institutions also affects the synchronization and integration of planning efforts, preparation of programs and activities, as well as evaluation and monitoring of environmental development. And the lack of infrastructure such as reference laboratories to be used as a reference for the local sector and the community in the control of pollution and environmental damage, so it needs cooperation between the government and NGOs and universities (Center for Environmental Studies and Center for Population Studies).

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